

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK ANTHONY GOWENS,

Petitioner,

Case No. 1:15-cv-943

v.

Honorable Paul L. Maloney

SHERRY BURT,

Respondent.

ORDER VACATING JUDGMENT AND REOPENING CASE

This is a habeas corpus action filed by a state prisoner pursuant to 28 U.S.C. § 2254.

In an order issued on September 30, 2015, the Court denied Petitioner's motion to proceed *in forma pauperis* and directed him to pay the \$5.00 filing fee within 28 days. Because it appeared that Petitioner had failed to comply with the Court's order, on December 1, 2015, the Court issued an order and judgment (ECF Nos. 6, 7) dismissing the action without prejudice for lack of prosecution.

The matter is before the Court on a correction of the record, which indicates that the \$5.00 filing fee was timely received by this Court on October 26, 2015 but was not properly docketed. Because the order and judgment of dismissal were improvidently entered,

IT IS SO ORDERED that the order and judgment dismissing the action (ECF Nos. 7, 8) are **VACATED** and the case is **REOPENED**.

Dated: January 20, 2016

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge